

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA** : **CRIMINAL NO. 1:03-CR-0222**  
:  
v. : **(Judge Conner)**  
:  
**TEXROY JOSEPH ELLIOTT** :

**ORDER**

AND NOW, this 20th day of August, 2007, upon consideration of defendant's motion (Doc. 74) to vacate the sentence imposed by this court on May 13, 2005, defendant's election form (Doc. 78), seeking to have the court rule upon the motion to vacate under 28 U.S.C. § 2255, and defendant's motion (Doc. 77) for a thirty day extension of time in which to file a brief in support of the motion to vacate, and it appearing that the motion to vacate was filed within the prescribed limitations period, see 28 U.S.C. § 2255 ("A 1-year period of limitation shall apply to a motion under this section."), it is hereby ORDERED that:

1. The Clerk of Court is directed to serve a copy of the motion to vacate (Doc. 74) on the United States Attorney.
2. The motion for an extension of time (Doc. 77) is GRANTED, and defendant shall file a brief in support of the motion to vacate (Doc. 74) on or before September 19, 2007.
3. The United States Attorney shall file an answer to the motion to vacate (Doc. 74) on or before October 8, 2007. See R. GOVERNING § 2255 CASES R. 4(b), 5.
3. Defendant shall be permitted to file a brief in reply on or before October 25, 2007.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge